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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,987	09/26/2001	Michael R. Kling	01-1-447	3341

7590 12/31/2003

OSRAM SYLVANIA Inc.
100 Endicott Street
Danvers, MA 01923

EXAMINER

ROY, SIKHA

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,987

Applicant(s)

KLING, MICHAEL R.

Examiner

Sikha Roy

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,8,9 and 14 is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment, filed on September 22, 2003 has been entered and overcomes the rejection of claims 2,3,8 and 9 under 35 U.S.C. § 103(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,208,614 to Strauss et al.

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Regarding claim ⁷7, Strauss discloses (column 3 lines 15-51, Figs.1 and 3) a lamp having sealed outer envelope 11 enclosing an environment, a lamp capsule 21 within the environment, a first electrical conductor 14, a second electrical conductor 15 extending through the outer envelope and the first conductor electrically connected to first lead wire 23 and second conductor connected to lead wire 22 and an end of life device 30 (Fig. 3) within the environment electrically connected in series with the first lead wire and first electrical conductor 14. The support comprising a first portion with mounting frame wire 16 and supports 19 and 20 welded across the frame wire 16 connectable to the lamp capsule, a second portion 24 electrically connectable to the first lead wire and to the end of life device 30 and a third portion 31 electrically connectable

to first electrical conductor 14 and to the end of life device joining first portion 16,19,20 and second portion 24.

Regarding claim 10 Strauss discloses (column 3 lines 47-50) that the second portion comprises a first clamp 31 and the third portion comprises a second clamp 32 and the end of life device is electrically and mechanically connectable to the second and third portion by first clamp and second clamp respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4 - 6,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,208,614 to Strauss et al.

Claim 1 essentially recites the same limitations as of claim 7 and hence is rejected for the same reason.

Regarding claim 1 Strauss discloses the claimed invention except for a section of third portion being removable to separate and form a gap between the second and third portion. It would have been obvious to one of ordinary skill in the art at the time of invention to make the connecting part of end-of-life device between third portion 31 and

second portion 24 of the lamp of Strauss removable since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177,179.

Claim 4 recites the same limitation as of claim 10 and hence is rejected for the same reason.

Regarding claims 5 and 6 Strauss discloses substantially the claimed invention as noted above except for the second portion comprising the a first segment parallel to the base of the first portion and a second segment extending from the first segment perpendicular to the base of the first portion. It would have been an obvious matter of design choice to have the two segments of the second portion, one parallel and the other perpendicular to the base of the first portion, since applicant has not disclosed that two segments of the second portion solve any stated problem or are for any particular purpose and it appears that the invention would perform equally well with the second portion of Strauss.

Claims 11 and 12 essentially recite the same limitations as of claims 5 and 6 and hence are rejected for the same reason.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,208,614 to Strauss et al. in view of applicant's admitted prior art.

Claim 13 differs from Strauss in that Strauss does not disclose tungsten halogen capsule.

In the section of background art the applicant disclosed that tungsten halogen lamps are preferred in incandescent lamps because of their high efficacy and coil temperature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include tungsten halogen capsule in the lamp of Strauss for its high luminous efficacy.

Allowable Subject Matter

Claims 2,3,8,9 and 14 are allowed over the prior art of record.

The following is a statement of reasons for allowance:

Regarding claims 2 and 8 the prior art of record neither teaches nor suggests a lamp support having a portion comprising opposing walls extending from a base, structured and arranged slidably mate with the stem of the lamp capsule.

Claims 3 and 9 are allowable for the reason given in claims 2 and 8 because of their dependency status from claims 2 and 8 respectively.

Regarding claim 14 the prior art of record neither teaches nor suggests the method of coupling a lamp capsule and end-of-life to lamp stem having all the steps as claimed in claim 14 and particularly comprising the step of electrically and mechanically connecting the first electrical conductor protruding from the stem to the third portion of the support.

Art Unit: 2879

Response to Arguments

Applicant's arguments filed September 22, 2003 regarding claims 1 and 7 have been fully considered but they are not persuasive.

In response to applicant's argument regarding claim 1 that the end-of-life are both thermal switch 27,29 and filament 30 of Strauss the examiner respectfully disagrees. The examiner notes that Strauss discloses (column 5 lines 3-30) in the embodiment shown in Fig. 3 the end-of-life is the long coiled filament section 30 and the second portion 24 is indeed electrically connected to the first lead wire and the end-of-life 30.

Furthermore in response to applicant's argument that Strauss fails to teach a third portion of the support electrically connectable to first electrical conductor, the examiner respectfully disagrees. Strauss discloses the third portion 31 (Fig. 1) is electrically connected to the first conductor 14 via frame mounting wire 16.

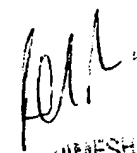
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (703) 308-2826. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

S.R.
Sikha Roy
Patent Examiner
Art Unit 2879


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